

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No.

3:04-cr-095

Also

3:11-cv-034

-vs-

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

:

MEGED YISRA'EL,

Defendant.

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**STATUS REPORT TO PETITIONER**

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This case is before the Court on Defendant's Motion for Status (Doc. No. 215), filed May 31, 2012.

On February 7, 2011, Petitioner filed *pro se* his Motion to Vacate under 28 U.S.C. § 2255 along with a motion for appointment of counsel (Doc. Nos. 202, 203). Upon initial review under rule 4 of the Rules Governing § 2255 Motions, the Magistrate Judge recommended that the First, Second, and Third Grounds for Relief be dismissed with prejudice, but appointed counsel and ordered an answer from the Government as to the Fourth Ground for Relief (Doc. No. 204). A copy of that Report and Recommendations, which included a notice of the time within which to make objections, was mailed to Petitioner on February 8, 2011. No objections were filed and Judge Rice adopted the Report, dismissing Grounds One, Two, and Three on May 2, 2011 (Doc. No. 210).

On April 29, 2011, the Magistrate Judge entered an Order to Show Cause by May 15, 2011, as to why the Fourth Ground for Relief should not be dismissed for lack of any supportive

evidence (Doc. No. 209). No cause was shown and the Magistrate Judge therefore recommended dismissing the Fourth Ground with prejudice (Report and Recommendations, Doc. No. 211). No objections were filed to that Report and Judge Rice adopted it on June 23, 2011 (Doc. No. 212). Since that disposed of the last claim made, the Clerk entered judgment dismissing the Motion to Vacate with prejudice on June 23, 2011 (Doc. No. 213).

On March 22, 2012, Petitioner moved for relief from that judgment (Doc. No. 214). The Magistrate Judge recommended denying the Motion (Doc. No. 215), Petitioner filed timely Objections (Doc. No. 216), and the motion for relief from judgment therefore remains pending before Judge Rice for de novo review under Fed. R. Civ. P. 72.

Contrary to Petitioner's assertion that he filed a prior Motion for Status on September 29, 2011, no such motions appears on the docket under either of the above case numbers.  
June 1, 2012.

s/ **Michael R. Merz**  
United States Magistrate Judge